IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 5010 of 2002

Between:

1 Mrs.N.Jagan Mohini, W/o Mr.N.S.S.Prasad
R/o 55 Sudhanagar Colony, R.K Puram Post,
Hyderabad.
2 Mr.N.V.Naga Mahesh, S/o Mr.N.S.S.Prasad
R/o 55 Sudhanagar Colony, R.K Puram Post,
Hyderabad.
3 Master N.V. Naga Dinesh, S/o Mr.N.S.S.Prasad
R/o 55 Sudhanagar Colony, R.K Puram Post,
Hyderabad.

..... PETITIONERS

AND

1 The Deputy Commissioner of Police, Central Crime Station,
Fatehmaidan Road, Hyderabad.
2 The Assistant Commissioner of Police, Central Crime Station, Detective Department,
Fatehmaidan Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate orde directing the respondents not to arrest the petitioners in any manner in connection with CC.No.327/1998 and CC.No.328/1998, expect in accordance with law and be pleased to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.V.SRINIVAS

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

The husband of the first petitioner is an accused in Crime No.328 of 1998, under Section 420 of the Indian Penal Code, 1860. As he was absconding and evading arrest, it is alleged that the respondents are harassing the first petitioner and her two minor children, petitioner Nos.2 and 3, to know the whereabouts of the absconding accused. Therefore, the present writ petition is filed.

This Court while admitting the writ petition passed interim orders on 27.03.2002 in W.P.M.P.No.6290 of 2002 directing the respondents not to call the petitioners to the Police Station until further orders.

Though the matter was admitted in 2002, so far counter affidavit is not filed. Therefore, unless and until, the petitioners themselves are accused in any crime, the Police have no power or authority to arrest or harass the petitioners. However, the petitioners shall cooperate with the investigation of the crime, if the investigation is still pending.

The writ petition, with the above observation, is disposed of. No costs.

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(V.V.S.RAO, J)

24.06.2005

vs

To

1 The Deputy Commissioner of Police, Central Crime Station,
Fatehmaidan Road, Hyderabad.
2 The Assistant Commissioner of Police, Central Crime Station, Detective Department,
Fatehmaidan Road, Hyderabad.

3 Two CCs to the G.P for Home, High Court of A.P., Hyderabad(O.U.T).

4 2 CD copies